

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Sherrod, Teed, Vanderhagen and Case No. 5:17-cv-10164-JEL-
Ware, KGA

Plaintiffs,

Hon. Judith E. Levy

v.

Flint Water Cases Bellwether I

VNA and LAN,

Defendants.

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**ORDER DENYING MOTION TO PRESERVE ZOOM VIDEO-
RECORDING AND MAKE THE RECORDING PART OF THE
OFFICIAL CASE RECORD [764]**

Before the Court is Defendants Veolia North America, LLC, Veolia North America, Inc., and Veolia Water North America Operating Services, LLC's ("VNA") motion to preserve the Zoom video-recording of the trial proceedings and to make the Zoom recording part of the official record of the case along with the certified transcript. (ECF No. 764.) Neither Plaintiffs nor Defendants LAN and LAD responded.

28 U.S.C. § 753(b) states:

Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means,

electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

Id. Under the policy of the United States Judicial Conference, “there can only be one official original record of the proceedings.” Guide to Judiciary Policy, Vol. 6, Ch. 3 § 350.20(c). In this Court, the official original record is the record of the official court reporter. *See* E.D. Mich. LR 80.1.

Zoom is used by this Court as a teleconferencing tool only and is not the official original record. The Administrative Office of the United States Courts has recognized that Zoom is an “alternative way[] of conducting critical operations” during the Covid-19 pandemic. *See* Memorandum, Re: Zoom Teleconferencing Tool, dated April 3, 2020 (<https://jnet.ao.dcn/information-technology/zoom-videoconferencing-tool>). Zoom is used in the Flint Water Case Bellwether I trial to promote

public access to the proceedings during the Covid-19 pandemic. Zoom recordings are not publicly available, are considered a backup only, and are not the one original official record.

Accordingly, VNA's motion is denied.

IT IS SO ORDERED.

Dated: May 16, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 16, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager